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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,842	07/15/2003	Nigel Evans	07319-091002	8792
20985	7590	08/25/2005	EXAMINER	
FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081			CHARLES, MARCUS	
			ART UNIT	PAPER NUMBER

3682

DATE MAILED: 08/25/2005

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/620,842
Filing Date: July 15, 2003
Appellant(s): EVANS, NIGEL

Scott C. Harris
For Appellant

EXAMINER'S ANSWER

MAILED

AUG 25 2005

GROUP 3600

This is in response to the appeal brief filed June 07, 2005

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(8) *Claims Appealed*

The copy of the appeal claims contained in the appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art or record relied upon in the rejection of the claims under appeal:

Art Unit: 3682

2,753,812	Wharton	07-1956
4,161,000	Cleveland	01-1979
4,231,643	Demick et al.	11-1980

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 2-21 are rejected under 35 U.S.C. 103 (a). This rejection is set forth in a prior Office Action, mailed on December 07, 2004.

In addition, the claims are further rejected below.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 11, 14, 15 and 17 rejected under 35 U.S.C. 102(b) as being anticipated by Cleveland. In claims 11, 14 and 15, Cleveland discloses a system (10), comprising a movable device (36), which is a pulley adjacent a heat source (16), to control an object (the shutter) that is placed adjacent a heat source; the movable device is controlled and is connected to a motor (30) and rotating to control an object, a motor (30) on a first side of the pulley and away from the heat source, a belt (32) maintained on a side of the movable device which is distance from the heat source. It should be noted that when the belt is in the groove of the pulley, the section of the groove above the belt will always be closer to the heat source than that belt.

In claim 14, note the color changer (20), which is moved to change the color of the light beam.

In claim 17, it is apparent the movable device can be construed to be the pulley plus the shutter combination, and the belt is maintained at all times in the groove of the pulley. It should be noted that when the belt is in the groove of the pulley, the section of the movable device that protrudes above the belt will always be closer to the heat source than the belt.

(11) *Response to Argument*

Applicant contended that there is no incentive to modify the device of Cleveland to include a redirecting mechanism of Wharton. It should be noted that in a belt drive system, there is always an incentive to include a mechanism to tension the belt and to prevent slippage between the belt and the pulley, irrespective of the size and torque capacity. It should be noted that the system of Wharton would make the system of Cleveland more stable. Any system that is controlled by the speed of a motor requires a certain amount of torque. In most circumstances the speed and torque produced by a motor fluctuates and the design of the belt arrangement of Wharton would limit the effects of the fluctuations. Therefore, one of ordinary skill would use the Wharton arrangement to limit the effects of the fluctuations of the motor and thus provide stability for the system of Cleveland. In addition, after a duration, the belt will undergo friction wear and slippage will begin to occur and further tensioning will be needed to prevent such slippage and to maintain the required torque to keep the system in proper operation.

Art Unit: 3682


Regarding applicant's argument pertaining to claim 7, applicant contended that the changing mechanism of Cleveland is apparently a shutter. It should be noted that these shutters in combination with the lens (12) control the lights passing through the optical axis. It should be note that the color of the lights will inherently change as the light filters through. Regarding claim 17, it is apparent that the Wharton would inherently allow the rotating system to be closer to the light than the belt.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the system of Wharton would improve the drive of Cleveland as stated above. Therefore, the combination of Cleveland and Wharton is proper.

Respectively submitted

August 19, 2005

Conferees:


MARCUS CHARLES
PRIMARY EXAMINER
August 22, 2005